

elements of any claims. Accordingly, claims 2-7, 9-12 and 14-17 are pending in this application and are submitted for consideration.

Claims 1, 2, 3, 8 and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Asano et al. (U.S. Patent No. 5,157,610, "Asano"). In making this rejection, the Office Action took the position that Asano discloses all the elements of the claimed invention. Claims 1, 8 and 13 have been cancelled and their subject matter incorporated into claims 4, 9 and 14, respectively. Claims 2 and 3 now depend from claim 4. Therefore, Applicants respectfully submit that the rejection with respect to these claims is moot.

Claims 4-7, 9-12 and 14-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Asano in view of Joao (U.S. Patent No. 5,917,405). In making this rejection, the Office Action took the position that Asano discloses all the elements of the claimed invention, except for disclosing the portable communicator for communicating with the data server when the server communicator sends the abnormality information signal output from the abnormality determining section to the portable communicator. Joao is cited for teaching these limitations.

Claim 4 recites a vehicle monitoring system having an on-vehicle unit provided in a vehicle. The on-vehicle unit includes a vehicle condition monitor for monitoring a condition of the vehicle and outputting vehicle condition data. An on-vehicle communicator is provided for sending the vehicle condition data output from the vehicle condition monitor. A data server is in communication with the on-vehicle unit. The data server includes a server communicator that receives the vehicle condition data sent from the on-vehicle communicator. A storage section is provided for storing the vehicle condition data and an

abnormality determining section is provided for determining whether an abnormality has occurred in the vehicle, based on the vehicle condition data stored in the storage section, and for outputting an abnormality informing signal when the abnormality has occurred in the vehicle. A portable communicator is provided for communicating with the data server. The server communicator sends the abnormality informing signal output from the abnormality determining section, to the portable communicator.

Claim 9 recites a vehicle monitoring system having an on-vehicle unit provided in a vehicle and a data server for communicating with the on-vehicle unit. The on-vehicle unit includes a vehicle condition monitor for monitoring a condition of the vehicle and outputting vehicle condition data, and an on-vehicle communicator for sending the vehicle condition data output from the vehicle condition monitor to the data server. The data server includes a server communicator that receives the vehicle condition data sent from the on-vehicle communicator. A storage section stores the vehicle condition data received by the server communicator and an abnormality determining section determines whether an abnormality has occurred in the vehicle, based on the vehicle condition data stored in the storage section, and for outputting an abnormality informing signal when the abnormality has occurred in the vehicle. A portable communicator communicates with the data server and the server communicator sends the abnormality informing signal output from the abnormality determining section, to the portable communicator.

Claim 14 recites a vehicle monitoring system having an on-vehicle unit provided in a vehicle and a data server for communicating with the on-vehicle unit. The on-vehicle unit includes a vehicle condition monitor for monitoring a condition of the vehicle and outputting

vehicle condition data and a storage section for storing the vehicle condition data output from the vehicle condition monitor. An abnormality determining section is provided for determining whether an abnormality has occurred in the vehicle, based on the vehicle condition data stored in the storage section, and for outputting an abnormality informing signal when the abnormality has occurred in the vehicle. An on-vehicle communicator sends the abnormality informing signal output from the abnormality determining section to the data server. The data server includes a server communicator that receives the vehicle condition data sent from the on-vehicle communicator. A portable communicator is provided for communicating with the data server. The server communicator sends the abnormality informing signal output from the abnormality determining section, to the portable communicator.

The Office Action took the position that the combination of Asano and Joao discloses all of the elements of the claimed invention. However, it is respectfully submitted that the prior art fails to disclose or suggest the structure of the claimed invention, and therefore, fails to provide the advantages that are provided by the present invention. For example, in the present invention, an abnormality determining section is provided for determining whether an abnormality has occurred in the vehicle, based on the vehicle condition data stored in the storage section, and for outputting an abnormality informing signal when the abnormality has occurred in the vehicle. This claimed configuration allows the user, even if he is remote from the vehicle, to reliably know the abnormality of the vehicle and to resolve the abnormality.

Asano discloses a system and method for load sharing processing operations between a vehicle mounted station and a stationary base station having a large capacity host computer. The vehicle mounted station detects operating conditions of the vehicle such as water temperature, air flow ratio air fuel quantity, battery voltage and transmission gear position. Data representative of the detected operating conditions is transmitted to the stationary base station. The base station receives the data and processes the data in accordance with data stored by the base station. However, as admitted in the Office Action, Asano fails to disclose or suggest a portable communicator for communicating with the data server, wherein the server communicator sends the abnormality informing signal output from the abnormality determining section, as recited by claims 4, 9 and 14.

Joao discloses a control apparatus for a vehicle comprising a transmitter system for transmitting a signal over a communication system upon activation by the owner of a motor vehicle or the like. The transmitter consists of a user interface device and a receiver. The transmitter system is located external from or separate from the vehicle. A CPU is connected with the receiver for receiving the signals generated by the receiver. The CPU may also have a transmitter for transmitting signals to the transmitter/receiver. In this manner, the CPU may respond to user data transmissions, commands, or inquiries. When used in conjunction with the apparatus, each of the vehicle equipment systems may be activated, de-activated, reset or in some other way controlled and/or monitored by the apparatus. Additionally, an arming device and an activation device may be utilized in conjunction with the apparatus in place of the transmitter/receiver combination so as to provide an automatic monitoring and/or activation of the apparatus. However, Joao also

fails to disclose or suggest a portable communicator for communicating with the data server, wherein the server communicator sends the abnormality informing signal output from the abnormality determining section, as recited by claims 4, 9 and 14.

The Office Action asserted that Asano teaches that the host computer station includes a transceiver for transmitting warning signals indicating various vehicle conditions.

The Office action further asserted that Joao suggests use of a portable communicator that transmits information to or from the computer server and the vehicle receiver and transmitter. The Office Action took the position that it would have been obvious to one of ordinary skill in the art to adapt the portable communication system of Joao, in the invention taught by Asano, because portable display cellular telephones are available for providing convenience to communicate.

However, to establish a *prima facie* case of obviousness, the prior art references, either alone or in combination must teach or suggest all the claim limitations.

Although Asano discloses a host computer station, the host computer station compares, diagnoses and evaluates vehicle conditions, and determines a deterioration amount and remaining life of vehicle parts, and provides an indicative signal. The host computer of Asano does not determine the normality or abnormality of the vehicle, and does not send any abnormality signal, as recited in claims 4, 9 and 14. Furthermore, although Joao appears to disclose a portable communicator, this communicator also does not send any abnormality informing signal. Additionally, Joao fails to disclose or suggest a portable communicator for communicating with the data server, wherein the server communicator sends the abnormality informing signal output from the abnormality

determining section, to the portable communicator, as recited by claims 4, 9 and 14.

Still further, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference to combine reference teachings. Asano discloses a host computer station having a database. This computer is a completely different type of computer from a portable communicator, such as a cellular phone, because the host computer has a large amount of storage section and a processor, which is sufficient to analyze and calculate the vehicle conditions. Therefore, it appears that the Office Action is using impermissible hindsight because there is no suggestion or motivation for combining Joao with Asano, other than Applicants' disclosure.

Therefore, it is respectfully submitted that the Applicants' invention, as set forth in claims 4-7, 9-12 and 14-17, is not obvious in view of the any combination of Asano and Joao within the meaning of 35 U.S.C. § 103.

Additionally, regarding claims 5-7, 10-12 and 15-17, the Office Action has not specifically pointed out which features in Asano and Joao, either alone or in combination, disclose or suggest the claimed subject matter. Therefore, Applicants respectfully request that the Examiner issue a non-final Office Action setting forth which elements represent these claimed limitations.

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejections, allowance of claims 2-7, 9-12 and 14-17, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Applicants submit that the application is now in condition for allowance. If the Examiner believes that the application is not in condition for allowance, Applicants respectfully request that the Examiner contact Applicants' attorney by telephone if it believed that such contact would expedite the prosecution of the application.

The Commissioner is authorized to charge payment for any additional fees, which will be required with respect to this paper toward the deposit of account number 01-2300, referencing docket number 107439-00034.

Respectfully submitted,



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Enclosure: Marked-Up Version of Claims
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MARKED-UP VERSION OF CLAIMS

Please cancel claims 1, 8 and 13 without prejudice.

Please amend claims 2-4, 9 and 14 as follows.

2. (Amended) A vehicle monitoring system according to claim [1] 4, wherein the storage section and the abnormality determining section are provided in the on-vehicle unit.

3. (Amended) A vehicle monitoring system according to claim [1] 4, wherein the storage section and the abnormality determining section are provided in the data server.

4. (Amended) A vehicle monitoring system [according to claim 1 further] comprising:

an on-vehicle unit provided in a vehicle, the on-vehicle unit comprising: a vehicle condition monitor for monitoring a condition of the vehicle and outputting vehicle condition data; and an on-vehicle communicator for sending the vehicle condition data output from the vehicle condition monitor;

a data server for communicating with the on-vehicle unit, the data server comprising a server communicator for receiving the vehicle condition data sent from the on-vehicle communicator;

a storage section for storing the vehicle condition data;

an abnormality determining section for determining whether an abnormality has occurred in the vehicle, based on the vehicle condition data stored in the storage section,

and for outputting an abnormality informing signal when the abnormality has occurred in the vehicle; and

a portable communicator for communicating with the data server, wherein the server communicator sends the abnormality informing signal output from the abnormality determining section, to the portable communicator.

9. (Amended) A vehicle monitoring system [according to claim 8 further] comprising:

an on-vehicle unit provided in a vehicle; and

a data server for communicating with the on-vehicle unit, wherein

the on-vehicle unit comprises:

a vehicle condition monitor for monitoring a condition of the vehicle and outputting vehicle condition data; and

an on-vehicle communicator for sending the vehicle condition data output from the vehicle condition monitor, to the data server, and

the data server comprises:

a server communicator for receiving the vehicle condition data sent from the on-vehicle communicator;

a storage section for storing the vehicle condition data received by the server communicator; and

an abnormality determining section for determining whether an abnormality has occurred in the vehicle, based on the vehicle condition data stored in the storage section,

and for outputting an abnormality informing signal when the abnormality has occurred in the vehicle; and

a portable communicator for communicating with the data server, wherein the server communicator sends the abnormality informing signal output from the abnormality determining section, to the portable communicator.

14. A vehicle monitoring system [according to claim 13 further] comprising:
- an on-vehicle unit provided in a vehicle; and
- a data server for communicating with the on-vehicle unit, wherein the on-vehicle unit comprises:
- a vehicle condition monitor for monitoring a condition of the vehicle and outputting vehicle condition data; and
- a storage section for storing the vehicle condition data output from the vehicle condition monitor;
- an abnormality determining section for determining whether an abnormality has occurred in the vehicle, based on the vehicle condition data stored in the storage section, and for outputting an abnormality informing signal when the abnormality has occurred in the vehicle; and
- an on-vehicle communicator for sending the abnormality informing signal output from the abnormality determining section to the data server, and
- the data server comprises:
- a server communicator for receiving the vehicle condition data sent from the on-vehicle communicator; and

a portable communicator for communicating with the data server, wherein
the server communicator sends the abnormality informing signal output from the on-
vehicle communicator to the portable communicator.